

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Terry Lee Crater

Docket No. 278154

LC No. 01-000300-FH

Alton T. Davis  
Presiding Judge

Peter D. O'Connell

Donald S. Owens  
Judges

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The Court orders pursuant to MCR 7.205(D)(2) and MCR 7.216(A)(7), in lieu of granting the delayed application for leave to appeal and motion to appoint counsel, this matter is REMANDED to the Montcalm Circuit Court for the appointment of appellate counsel in light of *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005). The trial court clearly erred in finding that defendant is not indigent. Appointed counsel may file an application for leave to appeal with this Court and/or any appropriate postconviction motions in the trial court, within twelve months of the date of the Montcalm Circuit Court's order appointing counsel, in accord with the deadlines in effect at the time defendant was originally denied counsel. See MCR 7.205(F)(3), MCR 6.311, and MCR 6.429.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 01 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk